

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:23-cv-00305-M-RN

EXPRESS GENE LLC d/b/a
EXPRESS GENE MOLECULAR
DIAGNOSTIC LABORATORY,

Plaintiff,

v.

TECAN U.S., INC.,

Defendant.

ORDER

This matter comes before the court on Plaintiff's Unopposed Motion for Leave to File Second Amended Complaint [DE 35]. For good cause shown and pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, the motion is GRANTED. On or before July 28, 2023, after removing any identification marks (e.g., "Exhibit 1"), Plaintiff shall file the proposed amended complaint [DE 35-1] as the second amended complaint.

In light of the court's disposition, Defendant's Motion to Dismiss [DE 26] is DENIED WITHOUT PREJUDICE as moot. *See Goodman v. Diggs*, 986 F.3d 493, 498 (4th Cir. 2021) ("Ordinarily, an amended complaint supersedes those that came before it."). Defendant shall answer or otherwise respond on or before August 18, 2023.

SO ORDERED this 24th day of July, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE